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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO HEADQUARTERS**

UNITED STATES OF AMERICA,
Plaintiff,
v.
NATURE'S FARM PRODUCTS, INC.,
DENNIS CHOI, and PETER PIZZO,
Defendants.

No. C 04-2068 VRW

PROPOSED REVISED CASE MANAGEMENT ORDER

NATURE'S FARM PRODUCTS, INC.,
DENNIS CHOI, and PETER PIZZO,
Defendants.

By Order dated May 3, 2005, the Court granted in part and denied in part motions by defendants Nature's Farm Products, Inc., Dennis Choi, and Peter Pizzo (collectively, "defendants") to dismiss the Complaint. The Court also certified its Order for interlocutory appeal and, on July 15, 2005, the Ninth Circuit accepted defendants' application for an interlocutory appeal. In certifying its Order for interlocutory appeal, the Court ordered the parties to "confer and within 30 days submit to the court a proposal for whether this action should be stayed pursuant to the proviso of 28 USC § 1292(b)." The parties have conferred, pursuant to the Court's Order. Subject to the Court's approval, the parties through their

undersigned counsel of record hereby agree and stipulate to the following proposed amendments to the Case Management Order entered March 15, 2005:

1. **ALTERNATIVE DISPUTE RESOLUTION:** The parties shall continue to engage in efforts to resolve this matter without additional litigation during the period from now until the deadlines for the filing of appellate briefs. To that end, the depositions noticed by plaintiff for August 12, 15, and 16, shall proceed solely against Dennis Choi on August 15, 2005. The settlement conference scheduled for October 7, 2005, with Magistrate Judge Maria-Elena James, shall proceed unless this matter is resolved before that date. No fact depositions of defendants shall take place in 2005.

2. **PRIVILEGE AND WORK PRODUCT CLAIMS:** These provisions of the Case Management Order are not affected.

3. **DISCOVERY CUT-OFF:** Under the current Case Management Order, all discovery shall be completed, and all responses to interrogatories and document requests shall be served by October 31, 2005. To permit the parties to engage in settlement efforts from now through October, and to prepare briefs to the Ninth Circuit from October through November, the discovery cut-off date is extended to April 18, 2006, the date of the previously scheduled pretrial conference.

4. **EXPERT DISCLOSURE:** The deadline to complete expert disclosure is stayed pending the resolution of the interlocutory appeal.

A. **CONFERENCE BEFORE TRIAL OR EVIDENTIARY HEARING:** The pretrial conference scheduled for Tuesday, April 18, 2006, at 9:00 a.m. in Courtroom No. 6 shall proceed as scheduled as a case management conference, for the purpose of providing the Court a status update on the interlocutory appeal and, if such appeal is resolved, for scheduling purposes.

B. **OTHER MATTERS:** The date for the Dispositive Motions hearing scheduled for March 9, 2006, is vacated, pending the outcome of the interlocutory appeal. The provisions of

1 this section of the Case Management Order, concerning Discovery Disputes and Sanctions, are
2 not affected.

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4 Respectfully submitted,

5 Dated: August ___, 2005

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7 KEVIN V. RYAN
8 United States Attorney

9 By:

10
11 /s/
12 SARA WINSLOW, AUSA
13 DAVID J. KENNEDY, SAUSA
14 Attorneys for Plaintiff, United States of America

15 Dated: August ___, 2005

16 FINLEY & DEATON

17 By:

18 /s/
19 STEVEN C. FINLEY, ESQ.
20 Attorneys for Defendants
Nature's Farm Products, Inc., Dennis Choi
Peter Pizzo

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28 **[PROPOSED] ORDER**
The Revised Case Management Statement and Proposed Order is hereby adopted by the
Court as the Case Management Order for the case and the parties are ordered to comply with this
Order.

Dated: _____


VAUGHN R. WALKER
United States District Judge